

**In The Matter Of:**

*Germaine Bomar v.  
City of Pontiac, et al*

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*Bryan Wood  
March 25, 2009*

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**Word Index included with this Min-U-Script®**

[1] A: No, I haven't.  
[2] Q: They never told you that their depositions were taken?  
[3] A: No.  
[4] Q: Do you have an independent recollection of the events  
[5] that happened that day?  
[6] A: Yes.  
[7] Q: Did reviewing the incident report help refresh your  
[8] recollection at all or is it still pretty fresh in your  
[9] mind?  
[10] A: It's still pretty fresh in my mind.  
[11] Q: It's my understanding that originally you were working  
[12] with a narcotics crew to execute a search warrant at an  
[13] address in Pontiac known as 56 Neome, N-e-o-m-e; is that  
[14] correct?  
[15] A: Yes, as a member of the special response team.  
[16] Q: What was your specific role as a member of the special  
[17] response team?  
[18] A: I was a team member on a team that — special response  
[19] team is our SWAT team — we executed a search warrant at  
[20] 56 Neome.  
[21] Q: Were you one of the members that went — did you go into  
[22] the house at Neome?  
[23] A: Yes.  
[24] Q: At some point during the investigation and the search of  
[25] the Neome address, it's come to my attention through the

[1] testimony of Officer Wheatcroft that you and Officer  
[2] Main and Wheatcroft left that location; is that correct?  
[3] A: Yes.  
[4] Q: Can you tell me what caused you to leave that location?  
[5] A: We were informed — special response team had taken up  
[6] perimeter positions around the house to secure the house  
[7] after the search warrant was executed.  
[8] We were informed by Sergeant Cosby  
[9] that an individual was going to be delivering an AK-47  
[10] assault rifle and a .38 caliber handgun.  
[11] We took up perimeter positions and  
[12] a blue Caprice pulled up in front of the residence.  
[13] That Caprice was taken down and secured. As we were  
[14] doing that, another car pulled in behind it on Neome  
[15] then stopped and quickly backed up to Elizabeth Lake  
[16] Road and sped off.  
[17] Q: The blue Caprice that pulled up first, did you have  
[18] anything to do with the searching of that vehicle?  
[19] A: No.  
[20] Q: Did you learn at any point that any weapons were taken  
[21] from that vehicle?  
[22] A: No.  
[23] MR. GOLDSTEIN: No, you didn't learn or,  
[24] no, no weapons were taken?  
[25] THE WITNESS: I'm not aware of any weapons

[1] being taken from that vehicle.

[2] BY MR. HUGHES:

[3] Q: The second vehicle that you indicated pulled up  
[4] onto Neome, can you give me a description of that  
[5] vehicle?  
[6] A: It was a tan or a pewter color. I think it was a Taurus  
[7] four-door.  
[8] Q: Where were you relative to your vantage point to see the  
[9] Taurus pull up?  
[10] A: I was south of the — south of the Caprice looking north  
[11] towards Elizabeth Lake Road as it turned onto Neome and  
[12] then backed up back to Elizabeth Lake Road.  
[13] Q: What time of day was this; was it light or dark?  
[14] A: It was dusk.  
[15] Q: Were you able to identify or describe who was in that  
[16] vehicle?  
[17] A: We could just see there was a lone black male.  
[18] Q: After the car backed up and it left the scene, what  
[19] happened next?  
[20] A: Myself, Officer Main and Officer Wheatcroft got into a  
[21] van, we drove south on Neome and through the  
[22] neighborhood to try to cut the car off going down  
[23] Genesee Street.  
[24] Q: So you were in a van?  
[25] A: Yes.

[1] Q: Was the van marked in any way?  
[2] A: No.  
[3] Q: When the van took pursuit of what appeared to be a  
[4] Taurus were there any lights or sirens or anything like  
[5] that that were employed on the van?  
[6] A: No.  
[7] Q: At any point did you lose sight of the — what you  
[8] believe was a Taurus?  
[9] A: Yes.  
[10] Q: For how long of a period do you think you lost sight?  
[11] A: As soon as it started west on Elizabeth Lake.  
[12] Q: And then after it went west on Elizabeth Lake, the van  
[13] gave pursuit — who was driving the van; let me ask you  
[14] that.  
[15] A: Officer Main.  
[16] Q: Then tell me again what direction you went to try to  
[17] locate the Taurus?  
[18] A: We went south on Neome to cut it off at Genesee assuming  
[19] that it was going to turn south onto Genesee from  
[20] Elizabeth Lake.  
[21] Q: What happened as you were trying to locate the vehicle?  
[22] A: We didn't see any vehicles on Genesee so we drove north  
[23] of Genesee, we pulled up. As we continued north we saw a  
[24] tan Taurus type car sitting in the back driveway of  
[25] 154 Genesee with a black male behind it that ducked down

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[1] Q: Did you ever see him enter into the house?  
 [2] A: Just that landing area as they were struggling back and  
 [3] forth.  
 [4] Q: So he was inside the house?  
 [5] A: Yeah, that's — you know, the door open, he was there in  
 [6] the landing.  
 [7] Q: Well, when you say the landing there is the back door  
 [8] that opens up into the rear of the house and then there  
 [9] is like — is there a foyer or an area that leads up the  
 [10] steps into the house?  
 [11] A: Yeah, there's two or three steps that lead up into this  
 [12] kitchen area.  
 [13] Q: And he was inside the house at that time that you first  
 [14] saw him?  
 [15] A: He was reaching in. There was — the 13-year-old was on  
 [16] the little set of stairs and his mother had put herself  
 [17] in between him and Officer Main and Officer Main was  
 [18] still trying to get the 13-year-old so he was  
 [19] obviously — his arms and feet were there on the front  
 [20] landing.  
 [21] Q: When did you learn that the individual was 13 years old?  
 [22] A: After they were secured.  
 [23] Q: Before when you were in the van and you noticed the  
 [24] individual back by the car who appeared to be ducking  
 [25] down, could you make any estimation of his age at that

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[1] time?  
 [2] A: No.  
 [3] Q: Do you have any estimation of the age of the driver of  
 [4] the vehicle that originally backed up out of the Neome  
 [5] Street address?  
 [6] A: Probably looked in his 20's.  
 [7] Q: Officer Main struggling with the mother and the  
 [8] 13-year-old is behind the mother; is that correct?  
 [9] A: Yes.  
 [10] Q: Where are you when you're observing this; how far away  
 [11] are you from the back door?  
 [12] A: I'm coming up right behind them.  
 [13] Q: Did you eventually have contact with the 13-year-old?  
 [14] A: Yes.  
 [15] Q: How did that happen?  
 [16] A: The mother came outside. She was handcuffed and the  
 [17] 13-year-old came out, I think he was handcuffed also.  
 [18] And it became very apparent at that point that this was  
 [19] not the right person.  
 [20] Q: So how did the mother get outside?  
 [21] A: She was pulled out.  
 [22] Q: She was pulled out by?  
 [23] A: Officer Main.  
 [24] Q: Do you recall if Officer Main handcuffed her at that  
 [25] time as soon as she was taken out of the house?

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[1] Just talking to him, you know,  
 [2] that's where I realized that this was not the right  
 [3] person. So he was handcuffed, unhandcuffed and that's  
 [4] when Sergeant Cosby arrived and—  
 [5] Q: When did you realize that this was probably not the  
 [6] right person; before or after he had been handcuffed?  
 [7] A: Directly after that. I mean, he was obviously — he was  
 [8] smaller than the person that we thought and he was 13  
 [9] years old and he was in his own backyard looking for his  
 [10] dog.  
 [11] Q: Did he struggle with you at all during that time that  
 [12] you were having him handcuffed?  
 [13] A: No.  
 [14] Q: What was the reason that you decided he should be  
 [15] handcuffed?  
 [16] A: We just handcuff everybody that, you know, people are  
 [17] fighting, for our own safety.  
 [18] Q: But I thought you indicated to me that he was not being  
 [19] combative with you.  
 [20] A: It's just a — it's a, I don't know, preventative  
 [21] measure so it doesn't happen, that's why.  
 [22] Q: Did you tell me exactly your physical contact that you  
 [23] had with him?  
 [24] He came out of the house on his own  
 [25] volition and then did you put him down on the ground

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[1] yourself?  
[2] A: No, I don't remember putting him down on the ground at  
[3] all.  
[4] Q: Do you recall him ever being down on the ground?  
[5] A: No.  
[6] Q: But you do remember handcuffing him?  
[7] A: Yes.  
[8] Q: He was handcuffed from the back.  
[9] A: Yes.  
[10] Q: Do you ever recall seeing him subsequently on the ground  
[11] while he was handcuffed?  
[12] A: I don't remember.  
[13] Q: After you handcuffed him what did you do?  
[14] A: Started, you know, with the investigation, that the car  
[15] was cold, the kid was 13, it was — obviously this was  
[16] not who we were looking for.  
[17] Q: Somebody checked the hood on the car?  
[18] A: Yes.  
[19] Q: What was Officer Wheatcroft doing during that time; if  
[20] you recall?  
[21] A: I don't remember.  
[22] Q: Would it be fair to say that when you saw the Taurus in  
[23] the driveway or what appeared to be a Taurus in the  
[24] driveway neither you — well, you are not sure that this  
[25] was the same car that actually pulled up at the Neome

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[1] Street address, correct?  
[2] A: No. It was a similar make and model.  
[3] Q: So it was more or less speculation that this might be  
[4] the same car?  
[5] A: Yes. I should say make, model, color.  
[6] Q: Did you have your flashlight out at any time in your  
[7] hand?  
[8] A: The only flashlight I had that day was attached to my  
[9] rifle and I didn't have any rifle with me.  
[10] Q: Did you see anybody strike the 13-year-old with a  
[11] flashlight?  
[12] A: No.  
[13] Q: You never entered the address on North Genesee yourself?  
[14] A: No.  
[15] MR. GOLDSTEIN: You're agreeing with the  
[16] statement? It was a double negative.  
[17] THE WITNESS: I did not enter the house,  
[18] no.  
[19] BY MR. HUGHES:  
[20] Q: Did Officer Wheatcroft ever enter the house  
[21] that you could see?  
[22] A: No.  
[23] Q: How long do you estimate that the 13-year-old was  
[24] handcuffed?  
[25] A: Maybe a minute or two at the most.

[1] Q: A minute or two at the most?  
[2] A: Yeah.  
[3] Q: Was he still handcuffed at the time that Sergeant Cosby  
[4] arrived; if you recall?  
[5] A: I don't remember.  
[6] Q: Do you recall how long it took Cosby to get over there?  
[7] A: A minute or two.  
[8] Q: After the 13-year-old was handcuffed, if I understand  
[9] your testimony, he was just left standing?  
[10] A: Yes.  
[11] Q: Was he put anywhere while you were doing your  
[12] investigation or was he just left standing in the yard?  
[13] A: I just remember him standing inside of the porch.  
[14] Q: Do you remember how long the female was handcuffed?  
[15] A: She was handcuffed longer because she was still  
[16] screaming and yelling and combative as far as — I  
[17] shouldn't say — she was verbal, by combative. She was  
[18] left handcuffed until Sergeant Cosby got there.  
[19] Q: So we're still saying maybe a couple of minutes?  
[20] A: Yes.  
[21] Q: She was handcuffed longer than the 13-year-old?  
[22] A: Yes.  
[23] Q: Did you have pepper spray with you that day?  
[24] A: No.  
[25] Q: Do you know if any pepper spray was used on either the

[1] 13-year-old or the female?  
[2] A: I didn't see anybody use pepper spray and I didn't smell  
[3] pepper spray in the air.  
[4] Q: Did you ever write a report relative to the incident  
[5] that happened at North Genesee?  
[6] A: No, I did not.  
[7] Q: To the best of your knowledge was there ever an internal  
[8] investigation as to what happened there?  
[9] A: I was never privy to that, no.  
[10] Q: Were you ever asked to give a written statement or  
[11] anything of that nature?  
[12] A: I don't — I guess I'll have to say I don't remember.  
[13] Q: If you did give a written statement would there be a way  
[14] for you to get that from the department and give that to  
[15] Mr. Goldstein?  
[16] A: I think you'd have to go through Captain Miller.  
[17] MR. GOLDSTEIN: That is the gentleman in  
[18] charge of internal affairs. Officers, generally  
[19] speaking, don't have access to internal affairs files so  
[20] the officer is not being uncooperative, he's being  
[21] candid.  
[22] But I would offer cooperation with  
[23] you per our previous discussions.  
[24] BY MR. HUGHES:  
[25] Q: Let me talk a little bit about your